

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, February 10, 2004

Tuesday, 9:03 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, Schlapp; present.

Cathy Holdeman, Interim City Manager; Gary Rebenstorf, Director of Law; Karen Schofield, City Clerk; present.

Sr. Rita Robl, Great Plains Earth Institute, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the regular meeting of February 3, 2004, were approved 7 to 0.

AWARDS AND PRESENTATIONS

PROCLAMATIONS Proclamations previously submitted were presented.

RECOGNITION Recognition of Kansas BEST Students.

Mayor Mayans recognized the students from Goddard High School, Wichita's Home School and the Ambassadors for Christ Academy.

PUBLIC AGENDA

King David Davis King David Davis-Getting Back to the Basics.

Mr. Davis spoke to the Council regarding leadership standards.

UNFINISHED BUSINESS

RADIO MAINT. FEE **RADIO MAINTENANCE FEE REQUEST.**
(CONTINUED FROM DECEMBER 30, 2003)

Cathy Holdeman Interim City Manager reviewed the item.

Agenda Report No. 03-1394a.

In 1994, the City-County Emergency Communications Department was transferred entirely under County management. Previously, it had been funded jointly by the City and County and managed by the City. The Sedgwick County Emergency Communications Department was formed and is currently supported by the countywide mill levy and 911 tax revenues.

The County Emergency Communications Department provides repair services to the 800 MHz radios, which are used primarily by emergency personnel. The building used by the County for its Radio Shop is owned by the City and made available to the County in exchange for radio maintenance services. It is the former fire station #3, located at 18th and North Market.

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In Sedgwick County's 2004 Adopted budget, the Emergency Communications budget was reduced by \$265,209, including the elimination of two positions from the Radio Repair Shop. To continue providing radio repair service, the County originally proposed an annual fee of \$25 per radio (generating \$121,825 to the County for this service).

City staff met with County staff to discuss this charge and to determine if a reduced fee was possible and if the County could compensate the City for use of its facility for radio maintenance. Staff agreed upon an annual fee not to exceed \$11 per radio along with a reduction in services (repair of non-radio equipment and installation of vehicle equipment would no longer be provided by the County). The \$11 fee per radio will be paid by all owners of portable radios in Sedgwick County will generate sufficient dollars to fund one technician which is anticipated to be sufficient given the reduced service levels. The City's Central Maintenance Facility will assume responsibility for the services no longer performed by the County for City-owned radios. The County also agreed to a lease agreement of \$2.00 sq. ft. for the use of the radio maintenance facility owned by the City.

The proposed new County radio repair fee and the lease agreement with the County are acceptable to the City. These expenses were not known at the time the City's budget was prepared and adopted and are not included in the budget. Each Department will be required to absorb the not-to-exceed annual fee of \$11 per radio. It is estimated that the increased expenditure to the City is \$31,031 for radio service. The lease agreement could generate \$13,680 per year should the County elect to retain its radio maintenance operations at this location (which they have indicated they will not do long term).

The Law Department will approve the lease agreement as to form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Mayans moved that the proposed lease agreement with the County for the use of the City-owned facility for radio repair be approved and any necessary budget adjustments to accommodate the radio fee be authorized. Motion carried 7 to 0.

--carried

NEW BUSINESS

WICHITA SHEET METAL

PUBLIC HEARING AND REQUEST FOR ISSUANCE FOR INDUSTRIAL REVENUE REFUNDING AND IMPROVEMENTS BONDS, WICHITA SHEET METAL SUPPLY, INC. (DISTRICT IV)

Allen Bell

Director of Economic Development reviewed the item.

Agenda Report No. 04-0119

On May 12, 1998, the City Council approved the issuance of Industrial Revenue Bonds in an amount of \$2.9 million to Wichita Sheet Metal Supply, Inc. The bond proceeds were used to finance the acquisition and renovation of an existing manufacturing facility located at 1601 South Sheridan in southwest Wichita. Wichita Sheet Metal ("WSM") was granted a 85% property tax abatement for a five-year term with a second 5 years based on Council review. On January 6, 2004, City Council approved the issuance of Industrial Revenue Refunding and Improvement Bonds in the amount of \$2,625,000, and granted a 51.5 percent property tax abatement on bond-financed property to finance additional machinery and equipment. The company is now requesting City Council to issue Industrial Revenue Refunding and Improvements Bonds in the amount of \$2,465,000.

Wichita Sheet Metal Supply has branches located in Omaha, Denver and Lenexa. Its trade territory includes the states of Kansas, Nebraska, South Dakota, Colorado, Wyoming, Iowa, Missouri, Arkansas, Oklahoma and New Mexico. WSM distributes products such as registers and grills, venting products, duct liner, duct board, duct wrap and various other supplies for the heating and air conditioning trade. The company also manufactures sheet metal products such as pipe, elbows, boots, duct and other stock fittings. It also manufactures system components such as spiral pipe and fittings; custom duct and fittings for residential and commercial use, cut to length sheet metal and some proprietary machinery.

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Proceeds from the bonds will be used to refund the outstanding Series VII A & B 1998 IRBs and to purchase additional machinery and equipment to be located at 1601 South Sheridan.

The sources and uses of funds for the project are as follows:

SOURCES OF FUNDS

Bond Proceeds (Series 2004-I)	\$1,700,000
Bond Proceeds (Series 2004-II)	765,000
Corporate Funds	<u>218,376</u>
Total Sources of Funds:	\$2,683,376

USES OF FUNDS

Redemption of Series VII-A 1998	\$1,475,565
Redemption of Series VII-B 1998	738,031
New Equipment	300,000
Bond Reserve	50,000
Cost of Issuance	<u>119,780</u>
Total Uses of Funds:	\$2,683,376

Wichita Sheet Metal Supply currently employs 100 people and plans to hire an additional 3 people over the next five years. The company exports 75% of its product outside the state.

The bonds will be underwritten by Oppenheimer and Company, Inc. The firm of Hinkle Elkouri Law Firm, L.L.C. serves as bond counsel in the transaction. WSM has complied with the Standard Conditions contained in the City's IRB Policy.

Wichita Sheet Metal Supply agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. The City Council has approved a 51.5 percent five-year property tax exemption on the new bond-financed equipment.

Bond documents needed for the issuance of the bonds will be prepared by bond counsel. The City's Law Department will review and approve all final bond documents prior to the issuance of the bonds.

Mayor Mayans

Mayor Mayan inquired whether anyone wished to be heard and no one appeared.

Motion--

Gray moved that the first reading of the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Refunding and Improvements Bonds for Wichita Sheet Metal Supply, Inc. in the amount of \$2,465,000, and the payment and redemption of Series VII-A&B, 1998 outstanding bonds be approved and the necessary signatures authorized. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of \$1,700,000 aggregate principal amount of Industrial Revenue Refunding and Improvement Bonds, Series IA, 2004 (Wichita Sheet Metal Project) for the purpose of providing funds to (1) refund on a current basis certain Industrial Revenue Bonds, Series VII-A, 1998 (Wichita Sheet Metal Project) of the City and (2) acquire and install certain new equipment to the existing facility and the issuance of \$765,000 aggregate principal amount of Taxable Industrial Revenue Refunding Bonds, Series I-B, 2004 (Wichita Sheet Metal Project) for the purpose of providing funds to refund on a current basis certain Taxable Industrial Revenue Bonds, Series VII-B, 1998 (Wichita Sheet Metal Project) of the City; prescribing the form and authorizing execution of a Trust Indenture by and between the City and Security Bank of Kansas City, Kansas City, Kansas, as Trustee; prescribing the form and authorizing the execution of a lease of the project by and between the City and WSM Properties; authorizing the execution of a Bond Purchase Agreement among the City, WSM Properties, Wichita Sheet Metal Supply, Inc., WSM Industries, Inc., the individual guarantors and Oppenheimer & Co. Inc., New York, New York, as lead underwriter of the Series I-A, 2004 Bonds; and authorizing the execution of a Bond Placement Agreement among the

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City, WSM Properties, Wichita Sheet Metal Supply, Inc., WSM Industries, Inc., the individual guarantors and Oppenheimer & Co. Inc., New York, New York, as Lead Placement Agent with respect to the Series I-B, 2004 Bonds; and approving the form of certain related documents, introduced and under the rules laid over.

RIVERSIDE VILLAGE REQUEST FOR LETTER OF INTENT FOR HEALTH CARE FACILITIES REFUNDING REVENUE BONDS-RIVERSIDE VILLAGE, INC. (DISTRICT VI)

Allen Bell

Director of Economic Development reviewed the item.

Agenda Report No. 04-0121

In April 1997, the City Council approved the issuance of \$23,270,000 Hospital Facilities Improvement and Refunding Revenue Bonds to finance the construction of two family practice clinics and a retirement community complex, and to refund all outstanding balances of prior bond issues. In 1999, City Council approved the issuance of Hospital Facilities Improvement Revenue Bonds in the amount of \$3.6 million to provide additional funds to complete the project.

Riverside Health System was acquired by Via Christi Health Systems in October 2001. Via Christi is now requesting approval of a Letter of Intent for the issuance of Health Care Facilities Refunding Revenue Bonds in an amount not-to-exceed \$9,200,000.

The proceeds of the 2004 refunding bonds will be used to refinance and redeem Series II-B, 1997, currently existing debt, and pay costs of issuance. The Series II-B bonds originally financed the retirement community complex, which operates as Riverside Village, Inc., a subsidiary of Via Christi Health Systems, Inc. The Series II-A bonds financed the family practice clinics. Concurrently with the issuance of the 2004 refunding bonds, Via Christi also intends to use its cash reserves to redeem all outstanding Series II-A bonds and the 1999 bonds. Via Christi has issued a notice to the City and Bond Trustee of its intent to redeem the aforementioned bonds. Under the terms of the 1997 bond documents, the City must also approve the call for redemption.

The project will be financed by bond proceeds and corporate funds as follows:

SOURCES OF FUNDS:

Proceeds of Bonds	\$9,200,000.00
Corporate Contribution	<u>448,545.31</u>
Total Sources of Funds:	\$9,648,545.31

USES OF FUNDS:

Series B, 1997 Bonds (Refund)	\$9,135,000.00
Redemption Premium Due on Refunded Bonds	88,450.00
Interest Due 4/1/04 on Series B, 1997 Bonds	277,695.31
Underwriter's Discount	87,400.00
Cost of Issuance:	<u>60,000</u>
Total cost of Project	\$9,648,545.31

The firm of Hinkle Elkouri Law Firm, L.L.C. will serve as bond counsel in the transaction. Gold Capital Management has agreed to underwrite the bonds and will reoffer the bonds for resale to the public. Riverside agrees to comply with the Standard Conditions contained in the City's IRB Policy.

Riverside agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Riverside is not requesting a tax abatement of ad valorem property taxes on the project because they are exempt from taxes by virtue of their status as an exempt organization under Section 501(c)(3) of the Internal Revenue Code.

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Bond documents needed for the issuance of the bonds will be prepared by bond counsel for the project. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds. A TEFRA Hearing is required in connection with this item, under the terms of the federal tax code for tax-exempt bonds, because the refunding bonds extend the maturity of the bonds being refunded.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Fearey moved that the Letter of Intent to issue Health Care Facilities Refunding Revenue Bonds for Riverside Village, Inc. in an amount not-to-exceed \$9,200,000, subject to the Standard Letter of Intent Conditions be approved; the call for redemption of the Series II, 1997 Bonds and the Series IV, 1999 Bonds be authorized; and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

2004-2013 CIP

PROPOSED 2004-2013 CAPITAL IMPROVEMENT PROGRAM.

Chris Carrier

Interim Public Works Director reviewed the item.

Agenda Report No. 04-0122

The proposed 2004-2013 Capital Improvement Program (CIP) was initially prepared by the CIP Administrative Committee and later improved as a result of Council workshop discussions and feedback from the District Advisory Boards. The Metropolitan Area Planning Commission (MAPC) has found the proposed CIP to be in conformance with the Comprehensive Plan. As in years past, this proposal reflects revised revenue estimates, updated cost figures and continues the commitment to City Council and community priorities.

The proposed capital program responds to and anticipates community needs, uses City funds to maximize other revenue sources - particularly Federal and State grants - and maximizes the number and scope of capital investments in the City's infrastructure. Direct Council feedback and public comment were crucial to the creation of this comprehensive program, including input from the District Advisory Boards (DABs).

Each of the six DABs received a presentation of the CIP proposal, followed by a question and answer session with City staff. DAB I requested inclusion of the McAdams revitalization plan, and Staff is currently identifying ways to accomplish the requested projects without displacing other capital projects. Each DAB commented on the proposal to increase the storm water fee to construct additional drainage projects, and DABs I, III, V and VI expressed concern about drainage issues. All six DABs recommended approval of the proposed capital program.

The proposed CIP totals more than \$1.5 billion over ten years. Major projects include the Kellogg freeway expansion, rail crossings and major infrastructure improvements such as: new and reconstructed roadways, intersections, bridges, and sidewalks; improvements to parks and public facilities; downtown development and implementation of tourism development initiatives; water and sewer system improvements; and public transportation system and airport investments.

The proposed Capital Improvement Program is funded from many sources: the 10-mill property tax comprises 19% of resources (GO or at-large funding), Local Sales Tax (LST) revenues fund 10% of the capital program and enterprise revenues fund 36%. State and Federal funding, much of it leveraged with local matching funds, provides 24 percent of total resources. Special assessments and other sources (such as County and public-private partnerships) fund 8 percent and 3 percent, respectively.

Freeway construction schedules call for the completion of interchanges at Tyler and Maize in West Wichita and Woodlawn/Rock Road in East Wichita by 2005, as previously scheduled. Funding for partial design of the Webb interchange and limited funding to purchase right-of-way for six-lane freeway expansion through Greenwich are included. In addition, the Central Rail Corridor is funded at \$91.1 million, including \$17.6 million from the Local Sales Tax, through 2006. Moreover, the Floodway Bridge is scheduled for construction in 2010/2011. Previous State commitments are critical

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to the Kellogg projects. Future funding assistance will be required to accelerate the schedule of future freeway segments.

Increased funding for drainage (storm water) projects is proposed in the 2004 – 2013 CIP. The Equivalent Residential Unit (ERU) fee is proposed to increase gradually from \$1.45 in 2004 to \$2.10 by 2013. The increased ERU will allow critical drainage projects to be completed more quickly and will fund construction of drainage structures that will allow street improvement projects to be completed in flood-prone areas. The increased fee and more aggressive capital program will address most, but not all, identified capital projects by 2013.

It is proposed that the City Council authorize the 2004 and 2004 CIP as the capital budgets for the next two years, allowing design to commence on the scheduled projects and grant applications to be filed for project financial support.

The 2004 – 2013 Capital Improvement Program contains 387 projects totaling over \$1.5 billion. The proposed 2004 capital budget is \$274 million, and the proposed 2005 capital budget totals \$212 million. The CIP is balanced as to revenues and expenditures.

Implementation of the proposed program is expected to allow the City to maintain its favorable general obligation bond ratings by Moody's and Standard & Poors.

As mandated by Ordinance 39-196, one-half of the revenue received from the City's portion of a one percent county wide sales tax is pledged for road, bridge, and highway projects, including right-of-way acquisition and project design and construction.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Karl Peterjohn

Mr. Peterjohn stated that the City Council is once again looking at increasing a sizable charge on many property owners in this community. Stated that the proposal is for a 44% increase in this levy and is phased in over a number of years but does not see why the City Council should increase the rate on this fee two years in advance. Stated that doing this is unconstitutional under Kansas law. Stated that he is urging the City Council to reject the 44% proposed increase in the City's storm water utility fees.

Charlotte Foster

Ms. Foster stated that she is the President for Great Neighborhood Association and DAB III. Stated that no one likes additional tax but as elected officials of the Citizens of Wichita, it is the Council's responsibility to try to protect the citizens. The area that she is especially concerned about, are the 100 houses that are in the 1900 block of South Fabrique, Lexington, Drollinger and Windsor. Stated that she saw how the floodwaters had gone through these homes on June 13, 1997. She is asking that the ERU increase be passed so that the City can get on with fixing the Gypsum Creek.

Council Member Lambke

Council Member Lambke stated that the CIP has added a tax increase in the form of the ERU and that there should be a public discussion regarding increasing the taxes. Stated that he feels that the Council should re-examine some of the projects that are included in the CIP and determine some priorities that will benefit the most people for the same dollar spent. Stated that the River Corridor Improvement is a 15 million dollar project and does not think it is right to build a beautification project while we raise taxes to prevent flooding. Stated that the 15 million dollars is approximately 1/4 of all the projects in the flooding area. Would like the Council to consider when they vote, that they are giving higher priority to a "feel good, look good project" while they are allowing people's homes to be flooded and raising their taxes to prevent it.

Chris Carrier

Mr. Carrier distributed spreadsheets for the drainage that is out of the workbooks that the Council received earlier. Explained that projects 15-24 are the projects that are dependent on this increase from \$1.50 up to \$2.10. Stated that there are six (6) street projects on this listing under 2004 and 2005, there are four (4) projects that are shown with funds in 2004, the Gypsum Creek, Pawnee to Woodlawn; Pawnee, from 119th to Maize; Seneca, I-235 to 31st S., and West Street, Maple to Central and in 2005, there is Gypsum Creek, Pawnee to Woodlawn; for construction. None of this could be started and this would substantially impact the arterial street program, because it is their recommendation that they don't do street projects without the associated drainage work being done first. Explained that items 17 and 18 are two priority flood projects, which are the two that Council Member Lambke is concerned

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about. There is also a drainage project that would help drain Old Town. Stated that if the increase is not approved, they would have to go back and look at their storm water drainage priorities and decide how they want to shuffle projects to make do and go back and visit the issue of the street projects and if they are to stay on the schedule that is on this CIP, they might have to delete some other street projects in order to keep these on.

Council Member Fearey Council Member Fearey stated that she that the Council was in agreement regarding raising the ERU because it was discussed during their workshops and now it seems to have changed. Stated that after looking at the chart and knowing that the economy is getting better, it does not seem to her that this would be something that the community could not handle. Stated that she does not understand why now we are not going to do something that was looked at and agreed on.

Council Member Lambke Council Member Lambke stated that he intends to vote for the CIP and ERU increase as presented with the hope that the Council can address some of these "look good projects" that cost a lot of money. Stated that he feels that the flooding issue is very important and that it has to be taken care of.

Council Member Schlapp Council Member Schlapp stated that she is in support of the CIP but feels that further discussion is needed regarding the ERU increase.

Council Member Brewer Council Member Brewer stated that he would like to see if there is some other way other than increasing the ERU to pay for this. Stated that there is flooding in his district also, but there are also a lot of low-income homes and a lot of people who are currently struggling to pay their water bills.

Council Member Martz Council Member Martz stated that he would like to see getting the CIP in place subject to being able to review some of the other programs and maybe roll them back later in order to get the drainage issues covered under the schedule that they are looking at. Stated that he feels the Council needs to keep the ERU as is but look at what other projects could be changed in order to do the drainage issues. Feels that the drainage issues still have a high priority and need to be addressed.

Council Member Gray Council Member Gray stated that five of the 10 projects that are listed on the spreadsheet are associated with road construction projects, are scheduled to be completed in 2006. Stated that these road construction projects have been on the CIP for years and now they are being told that the City cannot pay for those projects unless there is an ERU increase. Stated that some of these roads have been neglected for 30 and 40 years.

Chris Carrier Mr. Carrier explained that the drainage part of those street projects have been moved back and forth through the years in various CIPs. If you do not do the drainage part with money from the storm water utility, then the only way to do it is to put it back in the General Obligation Bond category, which has limits. If they do this they would have to look at what other projects can be taken out of that CIP if they want to put the drainage parts of that back in there. Projects 15-24, without the increase, nothing can be done with them until they have a consensus from the Council on how to fund the drainage and the street parts of those projects.

Motion-- Mayans moved that the 2004-2013 Capital Improvement Program be approved; initiation of projects scheduled for 2004 and 2005, with appropriate design solicitation and filing of applications for available State and Federal project support be authorized and defer the proposed increase of the ERU for projects 15-24 and that the City maintain those projects as un-funded in the CIP for further discussion among the Council and in conjunction with the community. Motion carried 6 to 1.
carried (Lambke-no).

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FEDERAL LEG. 2005 FEDERAL LEGISLATIVE REQUESTS.

Tom Smith Department of Finance reviewed the item.

Agenda Report No. 04-0123

Federal funds and federal legislation play a very important role in financing City of Wichita projects. Federal funds leverage local funds permitting projects to be completed quicker than may be possible from local funds. Federal legislation permits the City of Wichita to receive a larger share of federal grant funds for a range of activities from Airports to Water and Sewer. Federal funds can also address special priority projects that cannot be funded from local funds. During 2002, the City of Wichita received \$59,226,543 in federal funds.

Competition for federal funds/legislation continues to increase. Cities that articulate their priority needs to Congressional members in a timely, organized, fashion are more likely to receive favorable consideration of their requests. Accordingly, the City Council requested staff prepare 2005 Federal Legislative Requests so the City Council can prioritize the requests in preparation for meeting with the Kansas Congressional Delegation in Washington D.C. during the week of March 8-12.

A 2005 Federal Legislative Request briefing book has been prepared. The briefing book contains a summary of the 2005 requests received from City departments. The requests are presented alphabetically by department and are not in any priority order. The City Council needs to determine if these requests should be designated as priorities for 2005 federal assistance and if there other special programs desired by the City Council that should included and designated as priorities. The City Council is requested to complete the form and return it to the City Manager's Office no later than February 17, 2004.

Some federal requests require local matching funds. Historically, the City has identified a variety of sources to provide local matching funds and will continue to do so for City Council priorities.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Mayans moved that the City Council designate the 2005 Federal Legislative priorities. Motion
--carried carried 7 to 0.

KINGSBURY TRACT AGGREGATE MINING AND DEVELOPMENT-SELECTION OF PREFERRED DEVELOPER.

Joe Pajor Natural Resources Director reviewed the item.

Agenda Report No. 04-0124

In June of 2003, the City received an unsolicited proposal to mine aggregate from the City owned Kingsbury Tract. A Request for Proposals (RFP) was issued on Monday September 15, 2003. Four proposals were received in response to this RFP.

The Staff Screening and Selection Committee (SSSC) meet on November 12, 2003, to review the proposals and to select proposers to interview. The SSSC interviewed the Ritchie Corporation and Quick Sand Inc. on November 20, 2003. Subsequent to the interviews staff developed a financial analysis to compare the offers from the two companies. Staff finds that while each of the proposals offers unique advantages to the City the offer from Quick Sand, Inc. is superior overall.

Once a preferred developer is selected, a development agreement will be negotiated. This agreement will incorporate the provisions of the preferred developer's proposal and will address other issues concerning the development plan for the site and the schedule and phasing of the aggregate mining. After the agreement is signed, the preferred developer will be required to develop plans for the eventual development of the site.

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In 1997, the City Council designated the “present purpose” for this site to be “open space, park, or wetland, or any combination of such uses.” The approval of aggregate mining and any other development on this property will also require the Council to change the use.

Quick Sand has offered to lease the Kingsbury site and to mine aggregate from the site. They will pay the City \$0.15 per ton of aggregate removed. Removal of the sand will create water features around which the site would be developed.

The Law Department will review and approve as to form the development agreement. The City Council may change the use of the property or allow the lease or sale of the property at any time by majority vote.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.

Karl Peterjohn Mr. Peterjohn gave the history on this item.

Motion-- Mayans moved that the Quick Sand, Inc. be selected as the preferred developer for the aggregate mining and future development of the Kingsbury Tract and that staff be directed to negotiate a development agreement and return to Council with the agreement. Furthermore, once the alternative site development plans are completed, they shall be taken to the Park Board and DAB 6 (or other DABs as deemed appropriate) to allow both groups to provide input to the City Council in the selection of a development plan for the site. Motion carried 7 to 0.

--carried

WEB SITE UPDATE **WEB SITE UPDATE.**

Jessica Johnson Marketing Director reviewed the item.

Council Member Martz momentarily absent.

Agenda Report No. 04-0125

In an effort to make the City of Wichita more accessible to citizens, businesses and visitors, the City’s web site www.wichita.gov has become a cornerstone for communication in this organization. There are over 10,000 pages of helpful information from the City that range from City Council meeting agendas and minutes, news releases, departmental information, City budget detail, CIP budget with projects, timelines and cost as well as a searchable codes manual that makes research easier for citizens. Recent improvements include E-procurement that helps to make the bid process more open and accessible through notification via e-mail and postings; GIS mapping software to help citizens find Animal Adoption information; Air Quality data, and a variety of information by location.

Today the IT/IS department, in conjunction with the City Manager’s Office, unveils the newest development to strengthen the ability to bring City Hall to the citizens of Wichita through the ease of computers and e-mail. A new “E-Subscriptions” service has been developed so citizens can sign up for City information. Subscription services include City Council agendas, meeting minutes, DAB board meeting agendas and minutes, press releases, community meeting agendas and minutes and much more. By signing up on E-Subscriptions and clicking the appropriate box, the user will receive notification via e-mail whenever a new item is placed on the web site.

This new service accomplishes Council goals to communicate openly and efficiently with the citizens of Wichita. No longer will people need to check the web site on their own for postings of minutes as an e-mail will alert the subscriber that it has been posted. This will also save staff time, as those requesting the service will receive information automatically. It also provides opportunities for better communication with citizens of Wichita through on-line polling with potential “questions of the week” for response by citizens that opt-in (voluntarily sign up for this service). The City’s web site now becomes a main communication tool, making doing business with City Hall even more efficient and effective.

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Mike Mayta System Analyst gave a demonstration.

Motion--carried Mayans moved that the report be received and filed. Motion carried 7 to 0.

RIVER FESTIVAL **WICHITA RIVER FESTIVAL.**

Cathy Holdeman Interim City Manager reviewed the item.

Agenda Report No. 04-0126

The Wichita River Festival is a ten-day-long event founded over 30 years ago. It began as a single day event and several years later the Festival was stretched to ten days. Today the Festival is one of the most successful events of its kind anywhere. It is the largest event in the State of Kansas and the ninth largest festival in the United States. It has an economic impact of over \$21million for the community. Over 2,700 volunteers and over 200 business and organizations help make the events possible.

Each year Wichita Festivals, Inc. (WFI) makes a request to the City to help support the Wichita River Festival. The City Council at its January 6, 2004 meeting approved street closures on Douglas and Century II Drive. The City historically has contributed to the Festival by providing in-kind staff support by numerous departments.

This year WFI has requested the use of City-owned property at designated times during the Festival (parking lot at 1st and Waco, Hyatt lawn, Lot #6, West bank stage area), and the use of park equipment. Additionally, the Festival is requesting the City allow gating of three public areas: Kennedy Plaza, Hyatt lawn and West bank stage. Gating is requested so that WFI can require a button for admission and possibly an admission charge for an event (e.g. concert by paid performers). Admission charges help to offset the cost of the Festival and diversify the revenue sources.

An additional request to the City is for Police services throughout the Festival. The Police Department provided nearly \$70,000 in public safety services during the 2003 Wichita River Festival. The City received reimbursement from WFI in the amount of \$31,000 to help defray the cost of Police services. This year WFI has agreed to increase support to \$35,000 for public safety services with the possibility of financial support increasing in future years.

The Wichita River Festival has a significant economic impact to the Wichita community (over \$ 21 million). The City, as a supporter of the Festival, provides many in-kind services before and after the Festival (street sweeping, trash removal in addition to the trash removal provided by WFI, utility locates, transit services, grounds maintenance, public safety services, etc.). The Police Department will incur approximately \$35,000 for overtime expenses related to the provision of public safety services during the Festival.

The Law Department will approve the Memorandum of Understanding as to form.

Linda Davidson Ms. Davidson who is with the Wichita Festival Staff, explained that a charge of admission would not be for all events. This would allow them to charge admission for specific concerts, which would allow them to bring in quality entertainment and share the responsibility for paying for that with the festival attendees.

Cathy Holdeman Ms. Holdeman stated that the three areas that are being suggested are Kennedy Plaza, Hyatt Lawn and the Westbank Stage. These areas are not park property, they are public areas that are the responsibility and the ownership of the City of Wichita.

Linda Davidson Ms. Davidson stated that they are wanting to show value with a festival button.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

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Motion--
--carried

Mayans moved that the Memorandum of Understanding be approved and the necessary signatures authorized. Motion carried 7 to 0.

DR03-021

DR03-021: 21ST STREET NORTH CORRIDOR REVITALIZATION PLAN-SELECTION OF CONSULTANT. (DISTRICT I AND VI)

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 04-0127

At the City Council workshop on August 26, 2003, Council directed staff to prepare an RFP for consulting services to develop and prepare a definitive vision, comprehensive future land use revitalization concept and strategic action implementation plan for targeted segments of the 21st Street North corridor located between Hillside and Amidon. The scope of this plan was expanded to include the large central industrial area, and available federal UPWP transportation funds would be used to address all the related transportation issues in an integrated manner. The proposed boundaries of the 21st Street North Corridor Revitalization Plan area are as follows: N. Amidon Street on the west; N. Hillside Street on the east; 20th Street on the south and 22nd Street on the north, excepting that middle segment of 21st Street located east of Broadway and west of I-135, where the northern limits of the plan area extend to 33rd Street, and the southern limits extend to 17th Street.

A Request for Proposal was prepared and sent to over 50 local, regional and national vendors. A total of five consultant teams responded with a submittal of proposal. Staff provided ranked evaluation summaries of the five proposals received, outlining major strengths and weaknesses in both experience and proposal approach. The City Staff Screening and Selection Committee met to review the five proposals and voted to short-list for final interviews, the two highest ranked consulting teams with the best proposals submitted. The City Staff Screening and Selection Committee was supplemented by four community representatives appointed by the Council members from Districts I and VI, for the purposes of interviewing the top two consulting teams. Based upon the scores of the consultant teams on both the initial evaluation sheets and the interview rating sheets, the City Staff Screening and Selection Committee unanimously agreed that the consultant team of EDAW, ERA, TranSystems, RONIN, CDM and Cherokee Investments was best qualified and experienced to undertake this plan. The following summarizes the strengths of this consultant team as identified by the Selection Committee:

Confident and structured presentation and approach.

Impressive related work experience in undertaking this diverse type of project.

Good expertise and experience with ethnicity-based markets, and marketing analysis (ERA and RONIN sub-consultant)

Demonstrated creativity and enthusiasm in undertaking this project.

CDM (sub-consultant) has intimate knowledge of the environmental issues involved, and has had a good working relationship with the City.

TranSystem (sub-consultant) has excellent knowledge/experience of the rail corridor issues by virtue of their involvement with Wichita's central rail corridor elevation project.

Early implementation actions emphasized along with deliverables.

Bilingual capabilities.

The cost for services to complete the 21st Street North Corridor Revitalization Plan is \$350,906. Funds from the Federal Transportation "Unified Plan Work Plan" program will provide \$215,280. CDBG funds will provide the balance of study costs of \$135,626. In order to utilize CDBG funds, staff has prepared a substantial amendment to the 2003/2004 One-Year Action Plan. The 21st Street North Corridor Revitalization Plan is eligible under the CDBG planning, environmental design and policy-planning-management-capacity building activities.

HUD regulations require that citizens be allowed 30 days to comment on all substantial amendments to the City's Consolidated Plan and an environmental review must be conducted before costs can be paid using CDBG funds. HUD must be notified of the approved amendment to the Consolidated Plan before they can be implemented.

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Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Fearey moved that the selection of EDAW for the undertaking of this project be approved; the necessary signatures be authorized; a 30-day public comment period be authorized and the substantial amendment of the 2003/2004 One-Year Action Plan subject to citizen comments received be approved. Motion carried 7 to 0.

--carried

SANITARY SEWER SANITARY SEWER TO SERVE AN AREA NORTH OF ESTHNER, WEST OF WEST STREET. (DISTRICT IV)

Jim Armour Acting City Engineer reviewed the item.

Council Member Fearey momentarily absent.

Agenda Report No. 04-0134

The area north of Esthner, west of West Street is developed with industrial and commercial properties. Several of the properties are on private sewer septic tank systems. The lack of City sewer service is hindering the continued development of the area. In addition, Health Department Officials have indicated that failing private sewer systems may pose a public health risk. District IV Advisory Board sponsored a January 7, 2004, neighborhood hearing on the project. The Board voted to recommend approval.

The proposed sanitary sewer project would connect to an existing City sewer line on the south side of Esthner, west of West Street, extend it east along the north side of Esthner to Florence, then north on Florence.

The estimated cost of the project is \$85,000 with the total assessed to the improvement district. The proposed method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.269 per square foot of ownership.

State Statutes authorize the City Council to order in sanitary sewer projects.

Mayor Mayans Mayor Mayan inquired whether anyone wished to be heard and no one appeared.

Motion--carried Gray moved that the project be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-052

Resolution of findings of advisability and resolution authorizing construction of Lateral 13, Main 14, Southwest Interceptor Sewer, (north of Esthner, west of West Street) 468-83772, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Gray moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CITY COUNCIL AGENDA

APPOINTMENTS BOARD APPOINTMENTS.

There were no appointments made.

(Addendum 12a)

TRAVEL EXPENSE APPROVAL OF TRAVEL EXPENSES FOR MAYOR TO ATTEND AIRPORT MARKETING MEETING AT AIRTRAN HEADQUARTERS, FEBRUARY 16-17, 2004.

Motion--carried Mayans moved to approve the expenditure. Motion carried 6 to 1. (Lambke-no).

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CONSENT AGENDA

Council Member Fearey Council Member Fearey requested that item 30a. be withheld.

Motion-- Mayans moved to approve the Consent Agenda as presented, excluding item 30a. Motion carried
--carried 7 to 0.

BOARD OF BIDS. REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED FEBRUARY 9, 2004.

Bids were opened February 6, 2004, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

2004 sanitary sewer rehabilitation Phase A (various locations) - east of Meridian, south of 13th. (468-83752/620397/664517) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV)

Insituform Technologies - \$226,944.50

2004 contract maintenance area concrete street repairs Phase 3 - north of Lincoln, east of Hillside. (472-83914/132716/620398/) Traffic to be maintained during construction using flagpersons and barricades. (District III)

McFadden Construction - \$198,750.00 (Engineer's estimate)

Storm Water Drain #212 to serve Crystal Creek Addition - north of Harry, west of Greenwich. (468-83679/751345/485236) Does not affect existing traffic. (District II)

Unruh Excavating - \$333,855.00

2004 sanitary sewer reconstruction, Phase 2 (various locations) - east of Seneca, south of 21st Street. (468-83751/620396/664516) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV,VI)

WB Carter Construction - \$226,131.00

Storm Water Drain #221 to serve Northridge Plaza Addition - north of 37th Street North, west of Ridge. (468-83739/751357/485248) Does not affect existing traffic. (District V)

Kansas Paving - \$109,585.00

Lateral 8, Main 19 Southwest Interceptor Sewer to serve Avalon Park Addition - north of 37th Street North, east of Tyler. (468-83688/744036/480724) Does not affect existing traffic. (District V)

McCullough Excavation - \$50,500.00

Water distribution system to serve Avalon Park Addition - north of 37th Street North, east of Tyler. (448-89866/735168/470838) Does not affect existing traffic. (District V)

Mies Construction - \$34,004.00

Falcon from the east line of Lot 7, Block B, east to the west line of Dellrose; Dellrose from the east line of Falcon, north to the south line of Willow Point; Falcon Court from the south line of Falcon, south to and including the cul-de-sac; Dellrose Circle from the south line of Dellrose, south to and including the cul-de-sac; Sidewalk constructed on one side of Falcon and on one side of Dellrose to serve Eagles

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Landing at North Oliver Third Addition - south of 45th Street north, west of Oliver. (472-83898/765837/490948) Does not affect existing traffic. (District II)

Cornejo & Sons Construction - \$152,797.55

Storm Water Sewer #595 to serve Rivendale Addition - north of 55th Street South, west of Hydraulic. (468-83719/751349/485240) Does not affect existing traffic. (District IV)

Mies Construction - \$369,052.00

Motion--

Mayans moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the necessary signatures authorized. Motion carried 7 to 0.

--carried

PUBLIC WORKS DEPARTMENT/STREET MAINTENANCE DIVISION: Salt & Sand for Ice Control.

Ritchie Sand Inc. - \$20.63 (Group 1 Salt & Sand Mixture (50% Salt and 50% Sand Delivered/per Ton)
\$ 5.96 (Group 2 Salt & Sand Mixture (50% Salt and 50% Sand. [City of Wichita to Furnish Salt]/Delivered /per Ton)
\$23.50 (Group 3/Salt Only/Delivered/per Ton)

Group 4 – No bids received (Salt Only/F.O.B. Production Site)

Ritchie Sand Inc. - \$ 7.06 (Group 5 Sand Only/Delivered/per ton)

WATER DEPARTMENT/CUSTOMER SERVICE DIVISION: Send/Return Envelopes for water bills.

Tension Envelope Corporation - \$27.95 (Group 1/per Thousand)

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: 2" Custom Set Material.

Wichita Winwater Works - \$14,400.00 (Group 1 Total Net Bid)

Water Products Inc. - \$7,600.00 (Group 2 Total Net Bid)
\$1,900.00 (Group 3 Total Net Bid)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Replace Boiler Make-Up Tank.

Bob Stith HTG, CLG & PLG - \$17,545.00 (Group 1 Total Net Bid)

PUBLIC WORKS DEPARTMENT/Fleet Maintenance Division: Tractors.

Wichita Tractor Co.* -\$48,707.00 (Group 3 Base Bid)
<\$ 7,300.00>(Group 3/Option 1/ Deduct)
*Redirect Award 2/10/2004

FINANCE DEPARTMENT-IT/IS DIVISION: Performance SQL Server and BIZ Talk Server for Internet.

Hewlett Packard/Global Government/Education* - \$46,751.80 (Multi-Educational & Institutional Cooperative Contract (E and I) and WSCA Contract #92-00151

*Purchasing utilizing Government Entities Contracts, Cooperative Contracts and Agreements/Ordinance No. 38-122 Section 2.64.020 (j).

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Motion--
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

CMB

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2004</u>	<u>(Consumption on Premises)</u>
Danny Vo	Lotus Garden Restaurant	2135 West 21st Street North
<u>Renewal</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
Jay D. Brichacek	On the Road, Inc.	550 North Webb Road
Dwayne Kuhns	Sunrise Car Care	6327 East 13th Street
<u>New Operator</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
Hau Ma	Kim Cigarette	4001 South Seneca
<u>New Establishment</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
Mark Branham	QuikTrip #396R	324 South West Street

Motion
--carried

Mayans moved that the licenses, subject to Staff review and approval, be approved. Motion carried 7 to 0.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) Andrea, from the west line of Lot 3, Block E to the west line of 123rd Street East; Andrea Court (Lots 56 thru 64), Block A) from the north line of Andrea to and including cul-de-sac; Andrea Court (Lots 12 thru 22, Block E) from the south line of Andrea to and including cul-de-sac; Andrea Court (Lots 7 thru 12, Block E) from the east line of Andrea Court to and including cul-de-sac; and Tara Falls Court (Lots 28-42, Block E), from the east line of Tara Falls to and including cul-de-sac to serve Tara Falls Addition - south of Harry, east of Greenwich. (472-83848/765822/490933) Does not affect existing traffic. (District II) - \$296,000.00
- b) Lateral 497 Southwest Interceptor Sewer to serve The Legacy Addition - north of 47th Street South, west of Meridian. (468-83742/744027/480715) Does not affect existing traffic. (District IV) - \$220,600.00
- c) Lateral 4, Main 1 Northwest Interceptor Sewer to serve Evergreen 4th Addition - south of 29th Street North, west of Maize. (468-83639/744028/470716) Does not affect existing traffic. (District V) - \$255,200.00
- d) Water Distribution System to serve The Legacy Addition - north of 47th Street South, west of Meridian. (448-89902/735162/470832) Does not affect existing traffic. (District IV) - \$46,000.00
- e) Water Distribution System to serve Evergreen 4th Addition - south of 29th Street North, west of Maize. (448-89831/735163/470833) Does not affect existing traffic. (District V) - \$95,150.00
- f) Paddock Green Circle from the north line of Wilson Estates Parkway to 97 feet south of the north line of Lot 5, Block 1, and the cul-de-sacs serving Lots 1 through 5 and Lots 30 through 38, Block 1 to serve Brighton Courts Addition - south of 21st Street North, west of Webb. (472-83816/765825/490936) Does not affect existing traffic. (District II) - \$163,000.00

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- g) Pine Meadow Court from the north line of Pine Meadow Street to and including the cul-de-sac serving Lots 1 through 12, Block 1, to serve Pine Meadows Second Addition - south of 13th Street North, east of Greenwich. (472-83459/765826/490937) Does not affect existing traffic. (District II) - \$137,000.00
- h) Lateral 356 Four Mile Creek Sewer to serve Savanna at Castle Rock Ranch 5th & 7th Additions - north of 13th Street North, east of 143rd Street East. (468-83681/744023/480711) Does not affect existing traffic. (District II) - \$91,000.00
- i) Water Distribution System to serve Savanna at Castle Rock Ranch 5th & 7th Additions - north of 13th Street North, east of 143rd Street East. (448-89860/735157/470827) Does not affect existing traffic. (District II) - \$60,000.00
- j) 2004 Planeview Sanitary Sewer Reconstruction Phase 1 - south of Pawnee, east of Hillside. (468-83753/622240/643348) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$220,000.00
- k) Lateral 4, Main 12, Sanitary Sewer #23 to serve Eagles Landing at North Oliver Second & Third Additions - south of 45th Street North, west of Oliver. (468-83287/744029/480717) Does not affect existing traffic. (District I) - \$94,000.00
- l) Water distribution system to serve Eagles Landing at North Oliver Second & Third Additions - south of 45th Street North, west of Oliver. (448-89907/735165/470835) Does not affect existing traffic. (District I) - \$58,000.00
- m) Lateral 50, Main 2, Sanitary Sewer #22 to serve Westway Addition - south of Pawnee, west of Seneca. (468-83754/744031/480719) Does not affect existing traffic. (District IV) - \$35,100.00
- n) Lateral 66, Main 4, Southwest Interceptor Sewer to serve University and Ridge Addition - south of Maple, east of Ridge. (468-83744/744032/480720) Does not affect existing traffic. (District V) - \$27,648.00
- o) Lateral 35, Main 1, Cowskin Interceptor Sewer to serve Thunderbird Office Park Addition - south of Maple, west of 119th Street West. (468-83425/744030/480718) Does not affect existing traffic. (District V) - \$57,000.00
- p) Water distribution system to serve Thunderbird Office Park Addition - south of Maple, west of 119th Street West. (448-89899/735166/470836) Does not affect existing traffic. (District V) - \$50,000.00
- q) Storm Water Sewer #602 to serve Thunderbird Office Park Addition - south of Maple, west of 119th Street West. (468-83746/751345/485245) Does not affect existing traffic. (District V) - \$82,000.00
- r) 2004 Contract Maintenance Area Concrete Street Repairs, Phase 1 - north of 31st Street South, east of Meridian. (472-83912/132716/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,III,IV) - \$135,000.00
- s) 2004 Sanitary Sewer Reconstruction Phase 1-Hilltop area - south of Lincoln, west of Oliver) (468-83740/620395/663515) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$500,000.00
- t) 2004 Contract Maintenance Street Repairs and Quickset Slurry Seal, Phase 1 - north of 55th Street South, east of West Street. (472-83917/131532/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV,VI) - \$420,440.00

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- u) 2004 Contract Maintenance Area Concrete Street Repairs Phase 2 - north of Harry, east of Broadway. (472-83913/132716/620398/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II) - \$251,500.00
- v) Installation of a sanitary sewer within Edgemoor Park starting in 9th Street, and extending south along the east side of the Library property to Edgemoor Park, then west to an existing sewer main - south of 9th Street, east of Edgemoor. (468-83722/620391/663512) Traffic to be maintained during construction using flagpersons and barricades. (District 1) - \$85,000.00
- w) Water distribution system to serve Eagles Landing at North Oliver 3rd Addition - south of 45th Street North, west of Oliver. (448-89906/735164/470834) Does not affect existing traffic. (District I) - \$57,000.00
- x) Lateral 9, Main 2, Cowskin Interceptor Sewer to serve Auburn Hills 15th Addition - north of Kellogg, west of 135th Street West. (468-83757/744035/480723) Does not affect existing traffic. (District V) - \$163,000.00

Motion--carried Mayans moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

DEEDS/EASEMENTS DEEDS AND EASEMENTS:

Easement dated December 17, 2003 from Triple Net Properties, L.L.C., a Virginia limited company, for a tract of land in Lot 1, Block 1, Westway Addition, Wichita, Sedgwick County, Kansas (Westway Sanitary Sewer, OCA#744031). No cost to City.

Motion--carried Mayans moved that the Deeds and Easements be accepted. Motion carried 7 to 0.

SANITARY SEWER SANITARY SEWER TO SERVE PART OF LAKE RIDGE COMMERCIAL 2ND ADDITION, NORTH OF 21ST STREET, EAST OF RIDGE. (DISTRICT V)

Agenda Report No. 04-0128

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will extend sanitary sewer service to a commercial development located north of 21st, east of Ridge.

The Petition totals \$17,630. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-053

Resolution of findings of advisability and Resolution authorizing construction of lateral 42, Main 15, Southwest Interceptor Sewer (north of 21st Street, east of Ridge) 468-83769, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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WICHITA CLINIC

SANITARY SEWER TO SERVE WICHITA CLINIC ADDITION, SOUTH OF 21ST STREET, EAST OF K-96 EXPRESSWAY. (DISTRICT II)

Agenda Report No. 04-0129

The Petition has been signed by two owners, representing 100% of the improvement district.

The project will provide sanitary sewer improvements in a new commercial development located south of 21st, east of K-96 Expressway.

The Petition totals \$148,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-054

Resolution of findings of advisability and Resolution authorizing construction of Lateral 360 Four Mile Creek Sewer (south of 21st Street, east of K-96 Expressway) 468-83743, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RIVENDALE ADD.

STORM WATER SEWER FOR RIVENDALE ADDITION, NORTH OF 55TH STREET SOUTH, WEST OF HYDRAULIC. (DISTRICT III)

Agenda Report No. 04-0130

On October 21, 2003, the City Council approved a Petition to construct a storm water sewer to serve Rivendale Addition. An attempt to award a contract within the budget set by the petition was not successful. The developer has submitted a new Petition with an increased budget. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new residential development located north of 55th Street South, west of Hydraulic.

The existing Petition totals \$386,000. The new Petition totals \$460,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion -- carried

Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-055

A Resolution amending Resolution No. 03-556 pertaining to Storm Water Sewer No. 595 (north of 55th Street South, west of Hydraulic) 468-83719, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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37TH ST. NORTH

WATER DISTRIBUTION SYSTEM TO SERVE AN AREA ALONG 37TH STREET NORTH, BETWEEN TYLER AND RIDGE. (DISTRICT V)

Agenda Report No. 04-0131

The Petition has been signed by nine owners, representing 100% of the improvement district.

The project will provide water service to six new developments along 37th Street North, between Tyler and Ridge.

The Petition totals \$337,000, with \$251,000 assessed to the improvement district and \$86,000 paid by the Water Utility. The Utility share is for the cost of over sizing the pipe to serve future development outside the improvement district.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System number 448-89914 (along 37th Street North, between Tyler and Ridge) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

PAVE 37TH ST. N.

PAVE 37TH STREET NORTH, BETWEEN TYLER AND RIDGE. (DISTRICT V)

Agenda Report No. 04-0132

The Petition has been signed by nine owners, representing 100% of the improvement district.

37th Street North, between Tyler and Ridge, is currently a sand road. In order to advance its improvement, the owners of eight new subdivisions along the roadway have agreed to fund the cost of an asphalt mat pavement.

The Petition totals \$140,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-057

Resolution of findings of advisability and Resolution authorizing improving 37th Street North from Tyler Road to Ridge Road, 472-83948, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

HIDDEN GLEN ADD.

STREET PAVING AND WATER DISTRIBUTION SYSTEM TO SERVE HIDDEN GLEN ADDITION, WEST OF HYDRAULIC, SOUTH OF 4TH STREET SOUTH. (DISTRICT III)

Agenda Report No. 04-0133

The Petitions have been signed by one owner, representing 100% of the improvement districts.

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These projects will provide paving and water service to a new residential development located west of Hydraulic, south of 44th Street South.

The Petitions total \$454,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-058

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89713 (west of Hydraulic, south of 44th Street) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-059

Resolution of findings of advisability and Resolution authorizing improving Victoria from Marie, north to 44th Street South, on Marie from the east line of Lot 3, Block B, east to Greenwood, on 44th Street South from the west line of Lot 1, Block D, east to Hydraulic on Greenwood from 45th Street South, north to 44th Street South (west of Hydraulic, south of 44th Street) 472-83625, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-060

Resolution of findings of advisability and Resolution authorizing improving Sunview from Lulu, east to Ellis, on Ellis from the south line of Lot 30 Block B, north to 44th Street South, on Marie from Ellis east to the east line of Lot 3, Block B, on 44th Street South from the east line of Lot 3, Block E, east to the west line of Lot 1, Block D, (west of Hydraulic, south of 44th Street) 472-83626, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

DESIGN SERVICES

DESIGN SERVICES ASSOCIATED WITH 37TH STREET NORTH IMPROVEMENTS, BETWEEN TYLER AND RIDGE. (DISTRICT V)

Agenda Report No. 04-0135

The Petition has been signed by nine owners, representing 100% of the improvement district.

37th Street North, between Tyler and Ridge, is currently a sand road. In order to advance its improvement, the owners of eight new subdivisions along the roadway have agreed to fund the design of paving, bridge, drainage, and water improvements.

The Petition totals \$250,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

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RESOLUTION NO. 04-061

Resolution of findings of advisability and Resolution authorizing engineering services to improve 37th Street North from Tyler Road to Ridge Road, 472-83941, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures submitted.

COURT BAILIFF MUNICIPAL COURT BAILIFF AND GUARD SERVICES.

Agenda Report No. 04-0136

To maintain a secure environment, the Court utilizes the services of a contracted vendor to perform courtroom bailiff duties and to staff a metal detector located on the third floor of City Hall. The presence of a bailiff is required in the courtroom at all times during court sessions. Bailiff duties include maintaining order, taking individuals into custody, escorting prisoners to and from the courtrooms, maintaining prisoner property and handling a variety of court documents and procedures in the course of following the judges' instructions.

The Municipal Court also has a walk-through metal detector and wand screening devices to provide security to the courtroom areas. Security guards perform this screening process.

A Request for Proposal (RFP) was developed seeking contractors that could provide bailiff and security guard services to the Municipal Court Department. The RFP was sent to 22 companies in the Wichita area, was published in the Derby Reporter and on the City Web site. Five companies responded with a proposed hourly rate ranging from \$12.00 to \$14.82 per hour for the bailiff and guards and from \$15.20 to 16.00 per hour for the supervisor. A selection committee reviewed and evaluated the proposals and although they were not the lowest proposal, Smart Security and Investigations, Inc. was selected. Smart Security's response to the proposal demonstrated they were the most qualified and competent to provide comprehensive services as specified in the request for proposal, they are a local, woman-owned business and offered the best value to the City. Additionally, Smart Security has provided guard services to the City of Wichita Weekend Intervention Program for the past year. Their service to the Court has been of the highest professional standards and they exhibit a positive image for the City organization. The committee rejected the company that offered the lowest cost due to their lack of court experience and their inability to meet the Court's needs.

The bailiff and guard services are funded from the General Fund. The proposed contractor submitted an hourly rate of \$12.35 per hour for the bailiff and guards and \$16.00 per hour for the bailiff and guard supervisor with a clause to increase the hourly rate no more than 2% per year, if the contract is extended. The proposed bailiff and guard contract amount is \$204,445 and the 2004 Adopted budget includes monies for this services.

The contract will be approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the contract with Smart Security and Investigations, Inc. be approved and the necessary signatures authorized. Motion carried 7 to 0.

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EASTBOROUGH

AGREEMENT WITH THE CITY OF EASTBOROUGH FOR JOINT PARTICIPATION IN THE MILLING AND OVERLAY OF DOUGLAS FROM WOODLAWN TO EDMOOR. (DISTRICT II)

Agenda Report No. 04-0137

As part of the City of Wichita's Contract Maintenance Program, Douglas from Woodlawn to Edgemoor is scheduled for a mill and overlay project in 2004. A portion of this project (3,670 square yards) is located within the city limits of Eastborough. The terms of the agreement provide for the City of Wichita to contract for and administer the entire project and for the City of Eastborough to pay for their portion of the project.

Completion of this project through a joint agreement insures the consistency and efficiency of the project.

Upon approval of the agreement, The City of Eastborough agrees to pay the City of Wichita \$19,230.80 (\$5.24/sy) upon completion and acceptance of the work. The City of Wichita will submit an invoice to the City of Eastborough.

The proposed agreement has been reviewed, approved as to form by the Law Department, and approved and signed by the City of Eastborough.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

BROOKS LANDFILL

CONSULTANT FOR BROOKS LANDFILL GROUNDWATER INVESTIGATION. (DISTRICT VI)

Agenda Report No. 04-0138

In early 2003, groundwater contamination was discovered at the C&D Recyclers of Kansas C&D Landfill. This landfill is located south of K-96 Highway and west of West Street and is directly south of the City's Brooks Landfill site.

Following an investigation of the C&D Recyclers site and the existing groundwater well monitoring network on the south side of the Brooks site, KDHE directed the City of Wichita to undertake a groundwater release assessment investigation.

The purpose of a release assessment investigation is to determine the vertical and horizontal extent and the contamination levels of a pollution plume. The release assessment plan part of a release assessment investigation must normally be completed within 90 days of the detection of a statistically significant increase in the level of a contaminant. The Kansas Department of Health and Environment (KDHE) has set a deadline for the plan of March 10, 2004, to accommodate the City's procurement process for professional services.

The City developed a Request for Proposals for engineering consulting services in support of this study. A total of six proposals were received and all were determined by staff to be responsive to the RFP. The Staff Screening and Selection Committee (SSSC) meet on January 5, 2004 to review the proposals and select firms to interview. The SSSC interviewed four firms on January 14, 2004. The firms interviewed were: Terracon; Camp Dresser, McKee; Burns & McDonnell; and SCS Engineers. The SSSC recommends Burns and McDonnell Engineering Company, Inc for this work as their proposal provided the best value to the City.

The Burns & McDonnell proposal is based upon time and material with a not to exceed amount of \$50,820. In their proposal, Burns & McDonnell has offered a strategy that may reduce the cost of the project subject to approval by the Kansas Department of Health and Environment (KDHE). Staff will vigorously pursue this alternative with KDHE.

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Sufficient funds are available in the 2004 Brooks Landfill Post Closure Fund Budget to cover the costs of these engineering consulting services and this use of this budget will be reflected in the 2004 Revised Budget that will be considered by the City Council later this year.

The RFP requires the selected firm to conduct the investigation in accordance with State environmental regulations.

Motion--

Mayans moved that Burns and McDonnell Engineering Company, Inc. be selected to perform a groundwater release assessment investigation in the vicinity of the Brooks Landfill, and that the Mayor sign the agreement for professional services. Motion carried 7 to 0.

--carried

SEASONAL EMPLOY. CONTRACT RENEWAL-SEASONAL EMPLOYMENT.

Agenda Report No. 04-0139

On March 25, 2003, the City Council approved a PILOT program to out-source the staffing of most seasonal and part time positions in the City. It was anticipated that this contractual arrangement would improve the speed at which seasonal employees could be placed on the job, reduce workloads (seasonal recruitment, interviewing, testing, etc) for a variety of City staff, improving focus on core job functions, and reduced City pre-employment and workers compensation costs. The contractual arrangement was to be evaluated at the end of the first year, to determine whether the contractual administrative fee (29%) was beneficial to the City.

Staff has conducted a review of seasonal employment in 2003. Qualitatively, the contractual arrangement was successful. Seasonal employees were provided to departments within a relatively short period of time (1-3 days) saving recruitment time that extended for weeks previously. This translates into greater flexibility and better responsiveness for City operations. The vendor surveyed City staff on the qualitative aspects of the program, and the composite rating was between "excellent" and "good."

Financially, a total of nearly \$2 million in wages was shifted from personal services to contractals as a result of the contract. As a result, the City saved nearly \$150,000 in Social Security taxes and Unemployment Insurance. In addition, an estimated \$75,000 in pre-employment costs (physicals, drug tests, advertising, etc) was saved, by shifting these responsibilities to the vendor. The largest savings occurred in workers compensation costs. These cost were effectively shifted to the vendor. Worker compensation losses absorbed (by the contractor) in 2003 totally nearly \$230,000.

The arrangement produces many benefits for the City that is difficult to quantify. An estimated 1,800 hours or employee recruitment and hiring were shifted to the contractor. Processing costs for over 500 payroll checks per payday (during the summer) were shifted to the vendor.

The 2004 budget includes funding in departmental contractual budgets to cover the costs of the contract. In addition, it is anticipated that, during the revised budget process, workers compensation savings as a result of this contract can be passed on to departments employing part time staff in the form of lower workers compensation rates.

The contract has been reviewed by Law. It includes the option to renew the contract in one-year increments for 2 years.

Motion--

Mayans moved that the contract renewal with HRMS d/b/a Syndeo Staffing be approved and the necessary signatures authorized. Motion carried 7 to 0.

--carried

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ENV. ENGINEERING CONTRACT FOR ENVIRONMENTAL ENGINEERING SERVICES-SUPPLEMENTAL.

Agenda Report No. 04-0140

The City of Wichita entered into a contractual agreement with HDR Inc. for the purpose of conducting a water quality study of the Arkansas River. The study was funded by an EPA grant solely for this purpose. HDR has submitted a Phase 1 and 2 studies of the Ark River water quality involving, sampling, monitoring, data collection and data review, mapping of the river.

Contractual authority for continued services from HDR has expired. In order to continue and complete the study, develop a final report for the EPA and provide other related environmental services for the Ark River project a supplemental agreement #2 to the original contract is necessary. The scope of services that will be provided are; data quality assurance, further development of a water quality data base, bacterial fate and transport, develop addenda to the Phase 2 study, and other related services as required to complete the project.

The supplemental agreement is for an amount, not to exceed \$6,800.00. There is an existing encumbrance of grant monies for this agreement.

Motion--
--carried

Mayans moved that the supplemental agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

BLANKET PURCH. CONTRACTS & AGREEMENTS-BLANKET PURCHASE ORDERS RENEWAL OPTIONS, **ORDERS JANUARY 2004.**

Motion--carried

Mayans moved that the report be received and filed. Motion carried 7 to 0.

PROF. CONTRACTS PROFESSIONAL CONTRACTS UNDER \$10,000-PURCHASE ORDERS FOR DECEMBER **2003 & JANUARY 2004.**

Motion--carried

Mayans moved that the report be received and filed. Motion carried 7 to 0.

FIREFIGHTERS ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM GRANT AWARD. **GRANT PROGRAM**

Agenda Report No. 04-0143

The United States Fire Administration (USFA) announced the availability of fiscal year 2003 grant funding for the Assistance to Firefighters Grant Program in the amount of \$680 million. No less than 56 percent of the funding available for grants will be awarded to volunteer and combination departments. Therefore, this will leave approximately 44 percent or \$299,200,000 available for paid fire departments. Funding is available for four specific categories, including fire operations and firefighter safety program, fire prevention program, emergency medical services program, and firefighting vehicle acquisition program. On April 8, 2003, the Council approved the application for grant funds.

The City applied for \$458,956 in grant funds in the fire operations and firefighter safety program category. On Friday, December 12, 2003 the Federal Emergency Management Agency (FEMA) announced the award of the Assistance to Firefighters Grant Program for Fire Operations and Firefighter Safety Program to the Wichita Fire Department. This award will be used to replace the current radios that are being used. The Fire Department will redistribute half of their old radios to surrounding volunteer fire departments that are in the operating range of the County-wide 800 MHz radio system. The remaining half of the radios will be left in stock to serve as parts inventory to extend the life of the radios in use.

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The Federal Emergency Management Agency award of \$458,956 will require a local match of \$196,695. City matching funds are available either from unencumbered balances in previously approved Fire Capital Improvement Program projects, or General Fund appropriated reserves.

Motion--

Mayans moved that the acceptance of FEMA's Assistance to Firefighters Grant Program for Fire Operations and Firefighter Safety Program grant award be approved and the necessary signatures authorized. Motion carried 7 to 0.

--carried

CSBG

2004 COMMUNITY SERVICES BLOCK GRANT APPLICATION.

Agenda Report 04-0144

The Community Services Block Grant (CSBG) is administered by the U.S. Department of Health and Human Services and the Kansas Housing Resources Corporation. Funds are awarded by formula to Community Action Programs (CAPs) throughout the state. The City of Wichita has been a CAP and received CSBG funds since the mid 1970's. The Career Development Division of the General Government Department administers the CSBG program.

An annual application is required for receipt of the CSBG funds. Activities in the application include clean up in low-income neighborhoods, summer recreation, health services through Project Access, and payment of a portion of the overhead costs for the four Neighborhood City Halls.

Instructions for the new year CSBG application were written before Congress approved the Fiscal Year 2004 CSBG allocation so applicants were instructed to prepare their applications using a draft budget figure. City's draft allocation is \$1,014,637. The budget will be adjusted when the actual CSBG allocation for Fiscal-Year 2004 is determined. No general operating funds from the City's budget are obligated by the application.

The CSBG Review Committee will meet on February 3, 2004 to consider the 2004 application and make its recommendation to the City Council.

Motion--

Mayans moved that the 2004 CSBG application be approved and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

SNOW ICE BUDGET

SNOW AND ICE BUDGET ADJUSTMENT.

Agenda Report No. 04-0145

The approved 2004 Snow and Ice budget was appropriated \$85,110 for de-icing materials and miscellaneous other commodities. To begin the year, all of our material storage facilities were fully stocked. In January, several minor snow and ice storms hit the City and some material was used. Then beginning January 31st, a major storm struck bringing with it ice and 4 to 6 inches of snow across the area. The remaining material was completely depleted and an order has been placed to replace the supply. In addition, the long range forecast calls for below normal temperatures and above normal precipitation. The short-term forecast is calling for two more storms during the week of February 2nd.

The City's three salt storage facilities (Central Maintenance Facility, West Substation, and Northeast Substation) hold 6,000 tons of material (2,000 tons each). With the upcoming adverse winter weather, additional salt and sand will be needed. It is imperative that adequate materials be kept on hand to ensure the safety of the traveling public.

The 2004 Snow and Ice commodities account currently have a balance of \$85,000. The cost to refill the storage facilities one time is approximately \$125,000. An additional \$40,000 is needed immediately to cover the cost of filling the facilities.

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It is estimated that the facilities will need to be refilled at least two more times during the winter season (February and March, and October through December). In order to meet these needs, as well as provide funding for calcium chloride and straight salt, \$260,000 will be required.

It is requested that \$300,000 be transferred from the Street Maintenance budget to the Snow and Ice budget to purchase materials as needed.

Funds are available in the Street Maintenance commodities budget to allow the requested transfer of funds to the Snow and Ice budget.

All budget adjustments over \$10,000 require Council approval.

Motion--
--carried

Mayans moved that the budget adjustment of \$300,000 for 2004 Snow and Ice materials expenditures be approved. Motion carried 7 to 0.

ASSESS. ROLLS

PROPOSED ASSESSMENT ROLLS.

Proposed Assessment Rolls have been prepared for thirty-one (31) water projects, thirty-seven (37) sewer projects and ten- (10) storm sewer projects and it is necessary to set a public hearing date. Informal hearing with City personnel will be held March 1, 2004.

Motion--
--carried

Mayans moved that the hearing on the Proposed Assessment Rolls for 9:30 a.m., Tuesday, March 16, 2004 be set and that the notices of hearing be published at least once, not less than 10 days prior to the date of the hearing. Motion carried 7 to 0.

SECURITY ACCESS

SECURITY ACCESS CONTROL SYSTEM FOR GREENWAY AND MCLEAN MANOR.

Agenda Report No. 04-0146

Greenway Manor located at 315 N. Riverview and McLean Manor located at 2627 W. 9th Street is both elderly high-rise one and two bedroom apartment complexes. Entry at both facilities is controlled by a stand- a-lone KERI access control system. The current control system was installed in the mid 1990's and staff is now unable to purchase replacement components to correct deficiencies in the system.

The access control system controls three (3) entry doors at both facilities. A remote central computer is located at the Housing Services Office located at 332 N. Riverview. Additionally, each building has a telephone entry system located near the front entrance of each building.

Over the past year and a half the system at both buildings has failed on several occasions denying access to or egress from the building. The telephone entry at both buildings has had its share of problems also by not connecting to the desired apartment when used.

The goal of the Public Housing Division and its funding source, the Department of Housing and Urban Development (HUD) is to provide the most appropriate security system for its needs while maintaining the standards established by the City of Wichita.

The City currently has a contract with Sandifer Engineering & Controls that installs and maintains the TAC Access Control Systems. These systems, which work very well, are currently installed on over 40 City buildings that are monitored from a central point at City Hall.

Since this will be a stand-a-lone system that will be monitored by the Public Housing Division it will provide the uniformity in design standards currently used by the City and potentially result in reduced costs by using a City vendor as contractor.

Public Housing has allocated in its 2003 Capital Fund Program funding for the proposed system upgrade and which will not involve local funding. The cost of the system shall not exceed \$24,000.

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The City's Purchasing Policy permits the Purchasing Manager, with the approval of the governing body, to negotiate directly for the purchase of high technology items such as security systems.

Motion--
--carried

Mayans moved that TAC Americas, Inc., as the City's preferred security system manufacturer; and Sandifer Engineering & Controls, Inc., as the preferred vendor, be approved. Motion carried 7 to 0.

SURPLUS PROPERTY MARKETING OF SURPLUS PARCEL AT MARKWAY AND BROADWAY. (DISTRICT VI)

Agenda Report No.04-0147

Interest has been expressed in the excess City owned land on both sides of Markway between Market and Broadway. The City's ownership is in excess of 100 feet wide while the street is 45 feet wide. The parcel is undeveloped. The land was acquired in the 1920's to allow the opening of Markway. The owner at 2501 North Broadway, about one block south, is interested in some of the land for storage and display of items used in his landscape business. The adjoining owner on both sides is a truck line.

City Staff has reviewed the request and has no major objections with the potential sale. There are some water line easements that will need to be memorialized and a 30-foot easement for storm water will be retained along the west end. There is a possibility that the 21st Street Revitalization Plan could impact this site. It is proposed that any sale would have a reversion clause if the property were needed for City use.

While the property is small and oddly configured, there may be some other off-site use. It is recommended that the property be placed on the City's for-sale list on the Internet for a minimum of one month. In addition, Staff will approach the adjacent owners to see if they have an interest. Finally, the business owner who has expressed interest will be asked to formalize his offer. Any sale will be brought back to the Council for approval.

The City will receive cash consideration from the sale of the property at closing. Upon sale, the property will return to the tax rolls and be redeveloped.

The Law Department will approve any contracts as to form.

Motion--
--carried

Mayans moved that the property be declared as surplus and the marketing strategy, as described, be approved. Motion carried 7 to 0.

ENCROACHMENT EASEMENT ENCROACHMENT AGREEMENT. (DISTRICT I)

Agenda Report No. 04-0148

The Agreement allows Hong TT Van & Tan Van Vo, 1343 North Oliver, to occupy and construct, improvements on, over, and across the aforesaid public utility easement 20 feet in width described as the west 20 feet of the east 136.59 feet, except the south 149.85 feet thereof, Lot 1, Ayesh Addition; hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is a 96-inch by 67-inch by 59.5-inch concrete lint trap encroaching 5 feet into above described easement.

The Agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

There are no financial considerations.

Motion--
--carried

Mayans moved that the Agreement/Contract be approved and the signatures be authorized. Motion carried 7 to 0.

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TROLLEY

PURCHASE OF TWO (2) TROLLEYS.

Agenda Report No. 04-0149

On December 16, 2003, the City Council passed Resolution No. 03-665 that authorized staff to file for Federal funds for the purchase of four (4) replacement vehicles for WT's four 1991 Flxible coaches. These Flxible coaches had exceeded their useful life, and were to be replaced with two buses and two replica trolley buses. Purchase of the two (2) replica trolleys are in accordance with the City's Capital Improvement Program, under Project T-612001.

The Transportation District Commission of Hampton Roads, Virginia, selected Optima Bus Corporation (formerly Chance Coach), from Wichita, KS, to supply trolleys, with options for additional purchases, using federal guidelines through an RFP process. Hampton Roads trolleys are identical to the trolleys WT operates now. Wichita Transit has secured two (2) options from Hampton Roads for the purchase of replica trolleys; and, if Optima receive a PO on or before February 20, 2003, Optima will discount the purchase price option by \$5,000.

The two (2) replica trolleys will be purchased with grants from the FTA (80%) and KDOT (20%). The cost per trolley, with accessories, will be \$271,379 if the PO is received by Optima on or before February 20, 2003. If the PO is received after February 20, 2003, the purchase price will be \$276,379, an increase of \$5,000 per trolley.

Section 2.64.020 of the City Code provides for purchase of supplies, services and equipment from contracts and agreements of other governmental entities, which have been awarded, subject to public bidding and approved by the proper governmental entity.

Motion--
--carried

Mayans moved that the purchasing manager be authorized to purchase two (2) replica trolleys, with accessories, from Optima Bus Corp., not to exceed \$552,758. Motion carried 7 to 0.

(Addendum 29A)
WATER

WATER TASTE & ODOR.

Agenda Report No. 04-0162

Taste and odor events in the water have increased in quantity and intensity over the last decade. Staff believes these events are due to two separate, but interconnected causes. The primary cause is water from Cheney Reservoir.

Problems with taste and odor in water from Cheney Reservoir are not new. The causes and treatment options are challenging and complex. Certain types of microscopic plants (algae) and bacteria in the reservoir can generate organic compounds that create taste and odor in the water. This can give water an earthy, musty, or fishy odor.

In November 2003, the City Council approved the initiation of a design-build project to implement ozone as a treatment technology for taste and odor control.

Requests for Proposals were sent to engineering firms with six (6) firms responding. The Staff Screening & Selection Committee met on January 30, 2004 and heard presentations from all firms. The team of Utility Contractors / Earth Tech was selected to provide services.

The Water Taste and Odor (CIP W-909) has a budget of \$10,750,000. The estimated not-to-exceed cost for the project based on the proposal from the team of Utility Contractors / Earth Tech is between six and seven million dollars (\$6-7 million).

The Agreement will be approved as to form by the Law Department.

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Motion-- Mayans moved that the Agreement be approved and the necessary signatures pending successful negotiation and approval as to form by the Law Department, be authorized. Motion carried 7 to 0.
--carried

SUMMER PROGRAM. PARK & RECREATION MARKETING AGENCY FOR SUMMER PROGRAM.

Agenda Report No. 04-0150

Summer of Discovery is a 10-week summer recreation program offered by the Park & Recreation Department for children age 12 and under. This program is filled with exciting, fun and educational activities that include special-themed weeklong activities to expand children's minds and interests. The program is licensed by the Kansas Department of Health & Environment, which means that it can serve as alternative daycare for working parents.

This program works as an educational outlet for children, while offering a unique option for working parents that need different daycare options. This program also receives federal grant monies to provide those that qualify for financial assistance to enroll their child. Greteman Group donated the branding and marketing strategies of the program the first year.

Summer of Discovery needs marketing support to educate and inform the target audience as to the benefits of the program. The branding and communications effort has been in place for five years. Continuing education should be made to keep enrollment numbers up and to help recover the program cost. With many summer program options available, developing eye-catching and helpful information is key. Greteman Group will provide services that include the continued development of new marketing strategies, graphics services and updating of current tactics in place such as water bill inserts, advertisements, handouts and promotions.

Not to exceed \$10,000 and is budgeted in the City's marketing funds.

Motion-- Mayans moved that the Greteman Group be approved and the necessary signatures be authorized.
--carried Motion carried 7 to 0.

(Agenda Item #30a)

NGBRHOOD GRANT COMMUNITY/NEIGHBORHOOD DEVELOPMENT GRANT APPLICATION.

Agenda Report 04-0161

Strong neighborhoods are critical to improving and maintaining the quality of life for the citizens of Wichita. City staff work directly with residents, neighborhoods, and community agencies each day to resolve issues for residents. One of the greatest challenges that staff face is lacking the skills to help residents identify assets/resources and develop their own capacity to address issues. Obtaining the understanding and skills needed through a successful community development program would be a powerful tool for building strong neighborhoods. A well-recognized program for this effort is the Assets Based Community Development (ABCD) Program in which local governments, community agencies, and citizens work together to identify needs, available neighborhood & community assets, and action needed to connect with the resources to resolve an issue. The ABCD Program recognizes the potential power that lies within people to join together with a vision of a common goal and decide what they want to do and how they want to do it to achieve their vision. Guiding residents to organize, identify assets, contribute assets or connect with resources to accomplish their vision is a natural extension for city staff and the community in problem solving.

A grant proposal to the Wichita Community Foundation has been developed to host trainings for city staff, community agencies, and residents to acquire understanding and skills of community development in an interactive forum. The participants will learn the ABCD process in an effort to guide residents through use of the program process. The ABCD Program teaches stakeholders to: 1) connect with one another; 2) identify and utilize the strengths of the people, agencies, and associations; 3) achieve their desired result; and, 4) develop capacity for sustaining a connected approach to problem-

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solving;. The approach will teach the use of a facilitator role to work with individuals, organizations and agencies in identifying assets/contributions on which to build their plan of action. As the group becomes more unified and connected with their resources, the facilitator's role is phased out to allow the group to function on their own through use of networks and linkages.

A request for grant funding to the Wichita Community Foundation in the amount of \$8,856 will acquire the services of a trainer for the ABCD Program and provide materials, lunch, and snacks for the participants. The trainer will provide a one-day training session for city staff, agencies, & residents. The training session will be offered on three (3) separate days at a city facility.

Council Member Fearey Council Member Fearey stated that if the City gets the grant, she is wanting to make sure that City Staff works with Wichita Independent Neighborhoods in setting up a way to get information throughout the community and on the selection process to make sure there is a wide variety of people to go through this training.

Cathy Holdeman Ms. Holdeman stated that she did check on that and can be assured that WIN will be actively involved in this process.

Motion-- Fearey moved that the application be approved and the City Manager be authorized to sign for submittal to the Wichita Community Foundation. Motion carried 7 to 0.
--carried

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ FEBRUARY 3, 2004).

a) ZTM, Inc. (District III)

ORDINANCE NO. 45-985

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of ZTM, Inc., so exempted, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

b) 21st Street Bridge at St. Francis. (District VI)

ORDINANCE NO. 45-986

An Ordinance declaring the 21st Street Bridge at St. Francis (472-83933) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

c) Electric Franchises Agreement with for Kansas Gas and Electric Company GE (Westar) and Sedgwick County Electric Cooperative Association, Inc.

ORDINANCE NO. 45-987

An Ordinance of the City of Wichita, Kansas, granting to Kansas Gas and Electric Company D/B/A Westar Energy, its successors and assigns, an electric light, heat, and power franchise and prescribing the terms of said grant and relating thereto, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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ORDINANCE NO. 45-988

An Ordinance of the City of Wichita, Kansas, granting to Sedgwick County Electric Cooperative Association, Inc. its successors and assigns, an electric light, heat and power franchise and prescribing the terms of said grant and relating thereto, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- d) Hydraulic Improvement, between 57th Street South and 47th Street South. (District III)

ORDINANCE NO. 45-989

An Ordinance declaring Hydraulic, between 47th Street South and 57th Street South (472-83902) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- e) Amendments to the Residential Building Code (Title 18) and Mechanical Code (Title 22), all relating to certain Mechanical Code requirements.

ORDINANCE NO. 45-990

An Ordinance amending Section 22.04.036.11 and repealing original of said amended Section; and creating Sections 22.04.036.14 (a), AND 22.04.036.16; ALL IN THE code of the City of Wichita, Kansas, and pertaining to the Mechanical Codes of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCE No. 45-998

An Ordinance amending Section 18.06.140 and repealing the original of said amended Section; creating Sections 18.06.135, 18.06.282, 18.06.284, 18.06.286; 18.06.322, 18.06.324 and 18.06.326; and repealing section 18.06.320, all in the Code of the City of Wichita, Kansas, and pertaining to the residential building Codes of the City of Wichita, Kansas, introduced and under the rules laid over.

- f) City Code Chapter 5.88 amendments.

ORDINANCE NO. 45-991

An Ordinance amending Section 5.88.020 of the Code of the City of Wichita, Kansas pertaining to unlawful discharge of a firearm, air rifles, pellet guns and bb guns, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- g) Ordinance Amendment on Council Procedures – Calling the Question.

ORDINANCE NO. 45-992

An Ordinance of the City of Wichita pertaining to City Council Rules of Procedure; amending Code Sections 2.04.190 and 2.04.410; and repealing the originals of said Sections, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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- h) Amendment of Ordinance Establishing Fees for Subdivision Applications and Proceedings

ORDINANCE NO. 45-993

An Ordinance amending Section 2.26.030 of the Code of the City of Wichita, Kansas, pertaining to fees for Subdivision Applications and Proceedings and repealing the original of said Section.

- i) ZON 2003-04 - north of Central, on the west side of Hoover, REA. (District VI), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCE NO. 45-994

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON 2003-04)

- j) ZON2003-55 - south Side of Maple, west of Ridge Road. (District V)

ORDINANCE NO. 45-995

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON2003-55)

- k) A04-05 - north of Pawnee between 127th and 143rd Street East. (District II)

ORDINANCE NO. 45-996

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (A04-05)

- l) A04-06 - generally located northwest of the intersection of Meridian and 61st Street North. (District VI)

ORDINANCE NO. 45-997

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (A04-06)

- m) Sidewalk repair.

ORDINANCE NO. 45-984

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks in the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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PLANNING AGENDA

Motion -- carried

Mayans moved that the Planning Agenda be approved, as presented. Motion carried 7 to 0.

SUB 2003-109

SUB 2003-109-PLAT OF C. DUKE ADDITION, LOCATED ON THE SOUTH SIDE OF 47TH STREET SOUTH, WEST OF 135TH STREET WEST.

Agenda Report No. 04-0151

This site, consisting of one (1) lot on five (5) acres, is unplatted property located in the County within three miles of the City of Wichita. This site is zone RR, Rural Residential District.

A Petition, 100%, and a Certificate of Petitions have been submitted for sewer and water improvements. This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the document and Plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-062

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89919 (south of 47th Street South, west of 135th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-063

Resolution of findings of advisability and Resolution authorizing construction of Lateral 42,k Cowskin Interceptor Sewer (south of 47th Street South, west of 135th Street West) 468-83770, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

SUB 2002-113

SUB 2002-113 - PLAT OF RANDY'S REPAIR ADDITION, LOCATED WEST OF RIDGE ROAD, ON THE NORTH SIDE OF 53RD STREET NORTH.

Agenda Report No. 04-0152

This unplatted site, consisting of 1 lot on 1.23 acres, is located in the County within three miles of Wichita's city limits. The site has been approved for a zone change (ZON 2002-38) from RR, Rural Residential District to LC, Limited Commercial District, subject to a Protective Overlay (P-O #115). A Protective Overlay Certificate has been submitted addressing permitted uses, fencing, signage and sewage. The site has been approved by the County Code Enforcement for the use of on-site sanitary sewer and water facilities."

Petitions, 100%, and a Certificate of Petitions for future sewer and water improvements have been submitted. A Restrictive Covenant was submitted requiring the closure of the west driveway upon the widening of 53rd Street North or a conversion of the vehicle repair facility to a new use. A Restrictive Covenant has also been submitted prohibiting non-domestic wastes on the site until public sewer is available.

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This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until the Plat is recorded with the Register of Deeds.

The Notice of Protective Overlay Certificate, Certificate of Petitions and Restrictive Covenants will be recorded with the Register of Deeds.

Motion--

-- carried

Mayans moved that the documents and Plat be approved; the necessary signatures be authorized; and the ZON2002-38 Ordinance be placed on first reading with publication being withheld until the Plat is recorded with the Register of Deeds. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON 2002-38

SUB 2003-96

SUB 2003-96-PLAT OF ENGLISH COUNTRY GARDENS ADDITION, LOCATED EAST OF TYLER ROAD, NORTH OF 13TH STREET NORTH. (DISTRICT V)

Agenda Report No.04-0153

This site, consisting of 101 lots on 26.63 acres, is a replat of a portion of the Wesley West Addition. A zone change (ZON 2003-49) from B, Multi-Family Residential District and LC, Limited Commercial District to SF-5, Single-Family Residential District has been approved. This site is located in Wichita's City limits.

Petitions, 100%, and a Certificate of Petitions have been submitted for sewer, water paving and drainage improvements. As requested by City Engineering, an Off-Site Drainage Agreement was been submitted. A Restrictive Covenant was submitted to provide for off-street parking for lots adjacent to narrow streets, requiring that four (4) off-street spaces be provided for each such lot. A 15-foot street, drainage, and utility easement was platted with a Restrictive Covenant restricting the use of easements to allow for a street with a narrow or non-standard right-of-way dedication. Also, a Restrictive Covenant was submitted creating a homeowners' association to provide for the ownership and maintenance of the reserves.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until the Plat is recorded with the Register of Deeds.

The Certificate of Petitions, Off-Site Drainage Agreement and Restrictive Covenants will be recorded with the Register of Deeds.

Motion--

-- carried

Mayans moved that the documents and Plat be approved; the necessary signatures be authorized; the Resolutions be adopted; and the ZON2003-96 Ordinance be placed on first reading with publication being withheld until the Plat is recorded with the Register of Deeds. Motion carried 7 to 0.

RESOLUTION NO. 04-064

Resolution of findings of advisability and Resolution authorizing construction of Water distribution System Number 448-89913 (east of Tyler, north of 13th Street) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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RESOLUTION NO. 04-065

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89912 (east of Tyler, north of 13th Street) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-066

Resolution of findings of advisability and Resolution authorizing construction of Lateral 41, Main 15, Southwest Interceptor Sewer (east of Tyler, north of 13th Street) 468-83755, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-067

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 222, (east of Tyler, north of 13th Street) 468-83756, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-068

Resolution of findings of advisability and Resolution authorizing improving Thurman, from the west side of the Plat to the west line of Suncrest Avenue, on Suncrest Avenue (between Lots 1, 2, and 3, Block A and Reserve "C", and on Suncrest Avenue, from the east line of Suncrest Ct., to the east line of the Plat (between Reserve "C" and Lot 33, Block D). On 15th Street North, from the west line of Lot 6, Block B, east to Nantucket, o Nantucket, from the west line of lot 16, Block D, east to Thurman, on Suncrest Ct., south from Suncrest Avenue, to and including the cul-de-sac. Sidewalk be constructed on Thurman and Suncrest Avenue (east of Tyler, north of 13th Street) 472-83935, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-069

Resolution of findings of advisability and Resolution authorizing improving Reca, from the north line of Lot 10, Block D, north to Thurman, on Nantucket, fro Reca, east to the west line of Lot 16, Block D, and on 15th Street North, from Reca, to the west line of Lot 6, Block B, (east of Tyler, north of 13th Street) 472-83936, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON 2003-49

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SUB 2003-113

**SUB 2003-113-PLAT OF REGENCY LAKES COMMERCIAL SECOND ADDITION,
LOCATED ON THE NORTHWEST CORNER OF 21ST STREET AND GREENWICH ROAD.**

Agenda Report No. 04-0154

This site, consisting of 12 lots on 61 acres, is a replat of Regency Lakes Commercial Addition. An amended Regency Lakes Commercial Community Unit Plan (DP-234/ CUP 2003-49) has been approved for this site and a CUP Certificate has been submitted.

Petitions, 100%, and a Certificate of Petitions have been submitted for water, sewer drainage, paving and traffic signal improvements. A Cross-Lot Access Agreement between lots 1 and 2 has been submitted. A Restrictive Covenant has been submitted that sets forth ownership and maintenance for Reserve A that is being platted as a private drive. This Covenant also creates a homeowners' association to provide for the ownership and maintenance of the reserves. Since this site is within the noise impact area of Jabara Airport, an Avigational Easement and Restrictive Covenant has been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The CUP Certificate, Certificate of Petitions, Cross-Lot Access Agreement, Restrictive Covenants and Avigational Easement will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved; the necessary signatures authorized; and the Resolutions adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-070

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89922 (north of 21st Street, east of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-071

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 225, 468-83755, (north of 21st Street, east of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-072

Resolution of findings of advisability and Resolution authorizing construction of Lateral 160, War Industries Sewer, 468-83776, (north of 21st Street, east of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-073

Resolution of findings of advisability and Resolution authorizing constructing a left turn lane to serve the major entrance on Greenwich Road between Lots 3 & 4, and a continuous accel/decel lane from 21st Street North to the north property line and intersection improvements at 21st Street North and Greenwich, 472-83953, (north of 21st Street, east of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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RESOLUTION NO. 04-074

Resolution of findings of advisability and Resolution authorizing constructing a traffic signal on 21st Street North approximately 1000 feet, west of Greenwich Road, 472-83954, (north of 21st Street, east of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-075

Resolution of findings of advisability and Resolution authorizing constructing a traffic signal on Greenwich Road for a "T" intersection located approximately 850 feet north of 21st Street North, 472-83955 (north of 21st Street, east of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

HOUSING AGENDA

Inafay Grays-McClellan, Housing Member is also seated with the City Council.

HOUSING OCCUPANCY

REPORT OF PUBLIC HOUSING OCCUPANCY.

Agenda Report No. 04-0155

The Wichita Public Housing Authority (WHA) rents publicly owned housing to low-income households at affordable rates based upon income and family size. Rent is based upon 30 percent of the household adjusted gross income. The WHA owns various single-family houses, primarily located in the inner City and four apartment complexes: Greenway Manor, McLean Manor, Rosa Gragg and Bernice Hutchinson.

Staff regularly provides an informational report regarding occupancy status of its rental units to the Housing Authority Board. This update provides the current vacancy status of the 575 Public Housing rental units including 226 elderly – disabled apartments and 349 single-family dwellings. It includes vacant units in the process of being made ready by maintenance for lease, those in the Capital Fund Program for major rehabilitation and units that have been made ready for lease.

As of January 28, 2004, 20 units are in make ready status, 0 units are in the Capital Fund Program and 18 units are ready to be leased. The total of 35 vacancies represents an occupancy rate of 93.9%. Property Managers leased 8 units during the month of December. It is projected that approximately 100 units will be vacated and reoccupied in 2004.

Motion--carried

Mayans moved that the report be received and filed. Motion carried 8 to 0.

PUBLIC HOUSING

2003 PUBLIC HOUSING ASSESSMENT SYSTEM.

Agenda Report No. 04-0156

On January 11, 2000, HUD published 24 CFR Part 902 in the Federal Register requiring housing authorities to submit The Public Housing Assessment System (PHAS) Certification. The evaluation system designates public housing authorities as High Performers, Standard Performers or Troubled Performers. Housing authorities that score 90 or higher on a 100-point scale will be judged to be High Performers and will be given more operating flexibility. Housing authorities that score above 60 and below 90 will be judged to be Standard Performers.

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Housing authorities scoring below 60 will be judged to be Troubled Performers under PHAS and will receive help from HUD's Troubled Agency Recovery Center to improve their performance and meet HUD's new standards. If a troubled housing authority fails to significantly improve its performance a year after it is referred to the Recovery Center, HUD's Enforcement Center can ask a federal judge to create a receivership to take over management of the authority and remove its board members from office. HUD can also seek civil and criminal sanctions against housing authorities in the most serious cases.

The key elements of the 2003 PHAS Certification are the following:

Physical Inspections – 30% of score – HUD conducts the physical inspection of all public housing developments. Evaluations are based on objective, verifiable and uniform national standards designed to determine if public housing residents receive decent, safe and sanitary housing.

Financial Assessment – 30% of score – HUD will evaluate the financial condition of the WHA, using generally accepted accounting principles. The Wichita Housing Authority (WHA) accountants will electronically submit standardized financial information to HUD prior to March 1, 2004.

Management Review – 30% of score – HUD measures 19 management indicators. These indicators include unit turnaround time, Capital Fund expenditures, completion time of maintenance work orders, annual inspections lease enforcement and resident self-sufficiency.

Resident Satisfaction and Services Assessment – 10% of score – HUD will survey public housing residents about their satisfaction with the developments in which they reside. Residents are asked their opinion of the quality of their dwelling units, resident organizations, program activities, safety and other issues.

The overall PHAS score is calculated based upon all indicators and graded by HUD's computer. Modernization and work orders should be scored high as they have been in the past. The vacancy turnaround time was reduced slightly in 2003 compared to the 2002 total. The Public Housing Division made ready and leased 86 units in 2003 compared to 143 units in 2002. The final results of the Financial Assessment and Resident Assessment will not be known until the overall PHAS scores are released. The 30-point Physical Condition score has not been received at this time. The initial inspection results for 2003 are slightly lower than the previous inspection. The final PHAS score results for 2002 were:

Physical Condition	26 of 30
Financial Condition	26 of 30
Management	26 of 30
Resident Satisfaction	9 of 10
Total	87 of 100

Motion--

--carried

Mayans moved that the submission of the 2003 Public Housing Assessment System Certification to the Department of HUD be reviewed and approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 8 to 0.

CAPITAL IMP.

REPORT OF PUBLIC HOUSING CAPITAL IMPROVEMENTS.

Agenda Report No. 04-0157

The Wichita Public Housing Authority (WHA) rents publicly owned housing to low-income households at an affordable rate based upon income and family size. Rent is based upon 30 percent of the household adjusted gross income. The WHA owns various single-family houses, primarily located in the inner City, and four apartment complexes: Greenway Manor, McLean Manor, Rosa Gragg and Bernice Hutchinson. WHA receives additional funding from Housing and Urban Development (HUD)

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to improve the physical condition of the public housing properties through renovation and rehabilitation.

The City of Wichita Housing Authority (WHA) administers a Capital Fund Program for all necessary capital improvements and corrections of deficiencies in the public housing rental inventory. The inventory includes 226 elderly-disabled apartments and 349 single-family dwellings. The Program is also used to upgrade the management facilities of the WHA to assure the ability of staff to serve the housing needs of low-to-moderate income families. The report covers the current status of all Capital Fund improvement projects.

The 2002 Capital Fund grant is in the amount of \$1,159,577. HUD has now made the final formula allocation for the 2003 Capital Fund Grant bringing the total amount to \$1,091,565.

Motion--carried

Mayans moved that the Housing Authority Board receive and file the report. Motion carried 8 to 0.

HUD

REVISIONS OF THE 2002 AND 2003 HUD CAPITAL FUND GRANT BUDGETS.

Agenda Report No. 04-0158

Since 1992, the Department of Housing and Urban Development (HUD) has awarded the City of Wichita Housing Authority modernization funds through the Comprehensive Grant Program and beginning in 2000 the Capital Fund Program for the purposes of updating units and management systems in the Public Housing Division. Housing authorities share the national allocation, which is determined by a calculation using various characteristics of each housing authority. HUD regulations allow a housing authority to revise its approved annual budget when changes to the budget are required due to construction and administrative cost changes, HUD Notices, disasters, and emergencies outside the control of the housing authority.

present Capital Fund Five-Year Plan. The major revision to the 2002 budget is the transfer of the office building addition project in the amount of \$275,000 to the 2003 budget. Other revisions represent the final line item totals of expenses and the transfer of 2003 construction projects to 2002. The 2003 budget is being revised to reflect the change in the actual funding of the 2003 Capital Fund Grant and the transfer of the office building addition project and construction projects. The 2003 Grant funding for the first time was allocated in two separate increments in the amount of \$901,220 and \$190,345 for a total of \$1,091,565.

The proposed revisions do not change the total amount of the 2002 and 2003 HUD allocated Capital Fund Grants and do not involve any local funding.

Motion--
--carried

Mayans moved that the revisions of the 2002 and 2003 HUD Capital Fund Grant Budgets be approved. Motion carried 8 to 0.

SECTION 8

SECTION 8 MANAGEMENT ASSESSMENT PROGRAM (SEMAP).

Agenda Report No. 04-0159

On October 6, 1998 HUD issued final rules for the Section 8 Rental Voucher and Certificate Programs, Section 8 Management Assessment Program (SEMAP). SEMAP is a Management Assessment System that HUD uses to measure annually the performance of all Housing Agencies that administer the Section 8 Tenant Based Rental Assistance Programs. Under the SEMAP, HUD assesses Housing Authorities' performance on 14 Key Indicators (standards) that show how well eligible families are helped to afford decent rental units at a reasonable subsidy cost.

The Housing Authority (HA) must certify as to their program performance under these 14 standards 60 days after the Housing Authority's fiscal year ends. The Wichita Housing Authority's fiscal year ends December 31, 2003, so the first certification will be due March 1, 2004.

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The indicators are:

1. Selection from the Waiting List (15 points): The HA has a written policy for selecting applicants and follows these policies when selecting applicants from the waiting list.
2. Reasonable Rent (20 points): The HA has implemented written methods to determine reasonable rents.
3. Determination of Adjusted Income (20 points): The HA correctly determines adjusted annual income.
4. Utility Allowance Schedule (5 points): The HA maintains up-to-date utility allowance schedules.
5. HQS Quality Control Inspections (5 points): An HA supervisor re-inspects a sample of units for Quality Control.
6. HQS Enforcement (10 points): HQS inspection deficiencies are corrected in a timely manner.
7. Expanding Housing Opportunities (5 points): The HA has adopted and implemented a written policy to encourage participation in areas outside poverty or minority concentrations.
8. FMR limit and Payment Standards (5 points): Gross rents for 98% of new units leased is applicable and reasonable.
9. Annual Reexaminations (10 points): The HA completes an annual reexamination for each tenant.
10. Correct Tenant Rent Calculations (5 points): The HA correctly calculates tenant rents.
11. Pre-Contract HQS Inspections (5 points): Newly leased units pass HQS before the beginning date of lease.
12. Annual HQS Inspections (No points at this time): Each unit is inspected annually and on time.
13. Lease up (20 points): The HA enters HAP contracts for the number of units under budget for at least one year. The standard is 98%.
14. Family Self-Sufficiency Enrollment and Escrow Accounts (10 points): Measures the percentage of required families enrolled in FSS program and the percentage that has escrow accounts. The standards are 80% and 30% respectively.

The total of points that may be awarded is 135. Five bonus points are available to Housing Authorities, that achieve certain de-concentration goals during the year. A Housing Authority with a SEMAP score of at least 90% shall be rated a High Performer. Housing Authorities with a SEMAP score of 60-80% shall be rated Standard. Housing Authorities with scores of less than 60% shall be rated "troubled" and shall be subject to HUD on-site review and development of a corrective action plan.

Housing authorities with a "high performer" rating may be given competitive advantage under notices of fund availability.

Motion--
--carried

Mayans moved that the Certification relative to the submission of the 2003 Section 8 Management Assessment Program (SEMAP) be approved. Motion carried 8 to 0.

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Agenda Report No. 04-0160

The Section 8 Housing Assistance program provides rent and utility assistance through vouchers and certificates. The Section 8 Housing Choice Voucher Program provides subsidy vouchers to tenants based upon a rent set by the landlord and tenant, with an upper rent limit set by Housing and Urban Development (HUD). Portable voucher options are provided to families that have received a Housing Choice Program Voucher and have elected to utilize their rental assistance in another city in Kansas or another state.

The Shelter Plus Care Program provides rental assistance to the hard-to-house homeless families who are chronic substance abusers, mentally ill or have AIDS or AIDS related illnesses. This program consists of 105 coupons to assist eligible families that are eligible for all bedroom sizes.

The Moderate Rehabilitation program was established to upgrade substandard rental housing and provide rental assistance for lower-income families. This program consists of fifty-eight (58) units owned and operated by Helping Our People Economically (HOPE), Inc. and are available to persons who are eligible for studios, one, and two bedrooms units.

Section 8 works with approximately 700 landlords and is approved by HUD to administer 2,563 voucher allocations for tenants.

Housing units must be inspected prior to tenant occupancy, 120 days after occupancy and annually thereafter to ensure the landlord is maintaining the housing unit in compliance with housing standards. Section 8 is also required to perform exit inspections to ensure no damage occurred above the customary living usage.

Following is a breakdown of assistance provided through the Section 8 Program for December 2003.

Program	Number Allocated	Number Committed	Over (Under) Committed	Annual Lease Up	Annual Rate
Housing Choice Voucher	2366	2340	(26)	2340	98.9%
Shelter Plus Care	102	105	3		
Moderate Rehabilitation	58	30	(20)		
Portable Vouchers	67	67	0		
TOTAL	2563	2542	(43)		

Due to many variables such as voucher and certificate holders finding and leasing a property that does not require the maximum subsidy, Housing Services is able to assist additional units and remain within budget.

Motion--carried

Mayans moved that the Housing Authority Board receive and file the report. Motion carried 8 to 0.

RECESS

Mayans moved that the City Council recess into Executive Session at 11:30 am to consider consultation with legal counsel on matters privileged in the Attorney-Client relationship relating to: pending litigation, legal advice, preliminary discussion relating to the acquisition of real property for public purposes, and confidential data relating to the financial affairs or trade secrets of a business and that the Council return from Executive Session no earlier than 12:05 p.m. and reconvene in the City Council Chambers. Motion carried 7 to 0.

RECONVENE:

The Council reconvened in the City Council Chambers at 12:05 p.m. and Mayor Mayans announced that no action was taken during the Executive Session.

Motion--
--carried

Mayans moved to adjourn the Executive Session and the Regular Meeting at 12:07 p.m. Motion carried 7 to 0.

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ADJOURNMENT: The City Council adjourned at 12:07 p.m.

Workshop to follow: 2004 Wichita Aviation Festival

Karen Schofield
City Clerk